

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on January 31, 2003, and the references cited therewith.

Claims 1, 3-5, 12-16, 19-20, 23, 26 and 28-29 are amended, no claims are canceled, and no claims are added; as a result, claims 1-31 are now pending in this application.

Information Disclosure Statement

Applicant respectfully requests that a copy of the first page of the 1449 Form, listing the references that were submitted with the Information Disclosure Statement filed on January 22, 2002, marked as being considered and initialed by the Examiner, be returned with the next official communication.

Double Patenting Rejection

Claims 1-15 and 26-28 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32-37, 39-43, and 45-48 of U.S. Patent No. 6,232,705 B1.

Applicants will consider providing a terminal disclaimer to overcome the obviousness-type double patenting rejection at a later date (e.g. when allowable subject matter is indicated).

Claim Objections

Claim 28 was objected to because of informalities. Applicant has amended claim 28 as suggested by the Examiner. Reconsideration and withdrawal of the objection is respectfully requested.

§112 Rejection of the Claims

Claim 19 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 19 as suggested by the Examiner. Reconsideration and withdrawal of the rejection is respectfully requested.

§102 Rejection of the Claims

Claims 1, 3, 9, 10-13, 16, 19, 20, 22, 26, and 27 were rejected under 35 USC § 102(b) as being anticipated by Lee (U.S. 5,458,518).

The rejection states that Lee shows:

a method for forming a field emitter device on a substrate (see Embodiment 1, Column 3, lines 44-67), comprising forming a polysilicon cone (21) on the substrate (10), forming a porous oxide layer (24) on the substrate (10), wherein the porous oxide layer (24) and the polysilicon cone (21) are formed from a single layer of polysilicon, forming a gate layer (22) on the porous oxide layer (24), isolating the polysilicon cone from the gate (22), and forming an anode (3) opposing the polysilicon cone (21).

Lee appears to show a single component silicon nitride mask 11, however Lee does not include forming and utilizing a **multiple component mask**, wherein separate components of the multiple component mask are used to form selected elements of the field emitter device.

In contrast, Applicant's independent claims have been amended to include forming and utilizing a multiple component mask, wherein separate components of the multiple component mask are used to form selected elements of the field emitter device.

Because the Lee reference does not show every element of Applicant's independent claims, a 35 USC § 102(b) rejection is not supported. Reconsideration and withdrawal of the rejection is respectfully requested with respect to Applicant's claims 1, 3, 9, 10-13, 16, 19, 20, 22, 26, and 27.

§103 Rejection of the Claims

Claims 2, 17, 21, and 24 were rejected under 35 USC § 103(a) as being unpatentable over Lee (U.S. 5,458,518). Claims 7, 8, 18, and 28 were rejected under 35 USC § 103(a) as being unpatentable over Lee (U.S. 5,458,518) in view of Lee (U.S. 5,401,676). Claims 23, 25, and 29-31 were rejected under 35 USC § 103(a) as being unpatentable over Lee (U.S. 5,458,518) in view of Zimlich et al. (U.S. 5,910,791).

Applicant respectfully submits that the additional references listed in the 35 USC § 103(a) rejections do not cure the deficiencies of Lee as argued under 35 USC § 102 above. Because the cited references, either alone or in combination, do not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection is respectfully requested with respect to claims 2, 7, 8, 17, 18, 21, 23-25, and 28-31.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6944) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743


Respectfully submitted,

LEONARD FORBES ET AL.

By their Representatives,

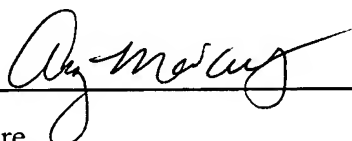
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 30th day of April, 2003.

Amy Moriarty
Name


Signature